Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

9 April 2008
English
Original: Arabic

Second session
Geneva, 28 April-9 May 2008

Working paper presented by the Syrian Arab Republic on behalf of the States members of the League of Arab States to the second session of the Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons held in Geneva from 28 April to 9 May 2008

Implementation of the resolution on the Middle East adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

I. Background

1. The States parties agreed, at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), to extend the Treaty indefinitely in a package deal consisting of three decisions and the resolution on the Middle East. Without this resolution, the Arab States would not have agreed on an indefinite extension. Therefore, the Conference undertook to strengthen the Treaty, to achieve its universality, to adopt principles and objectives that would address the implementation of the Treaty and to establish a nuclear-weapon-free zone in the Middle East.

2. During the period between the 1995 Review and Extension Conference and the 2000 Review Conference, and as a positive development demonstrating their goodwill and compliance with their international commitments, all Arab States became parties to the NPT.

3. The 2000 Review Conference recognized that the 1995 Review and Extension Conference resolution on the Middle East remained valid until its goals and objectives were achieved and that the resolution was an essential element of the basis upon which the Treaty was indefinitely extended without a vote.

4. The Conference welcomed the accession of all the Arab States to the Treaty and called upon Israel, as the only State in the Middle East that has not yet acceded thereto, to do so and to place all of its nuclear facilities under the International Atomic Energy Agency (IAEA) safeguards system.

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5. For the twenty-eighth consecutive year, the United Nations General Assembly adopted by consensus a draft resolution entitled "Establishment of a nuclear-weapons-free zone in the region of the Middle East". For some three decades it has adopted numerous draft resolutions, the most recent of which was resolution 62/56 in December 2007, entitled "The risk of nuclear proliferation in the Middle East", which expressed concern about the threats posed by the proliferation of nuclear weapons to the security and stability of the Middle East region, noted that Israel remains the only State in the Middle East that has not yet become a party to the Treaty and reaffirmed the importance of its accession thereto and its placement of all its nuclear facilities under comprehensive IAEA safeguards, in order to realize the goal of universal adherence to the Treaty in the Middle East.

6. The General Conference of the IAEA adopted resolution GC(51)/RES/17 in September 2007, on the application of IAEA safeguards in the Middle East, which affirms the "urgent need for all States of the Middle East to forthwith accept the application of full-scope Agency safeguards to all their nuclear activities as an important confidence-building measure among all the States in the region, and as a step in enhancing peace and security in the context of the establishment of a nuclear-weapon-free zone", calls upon all parties directly concerned to consider seriously taking the practical and appropriate steps required for the implementation of the proposal to establish a mutually and effectively verifiable nuclear-weapons-free zone in the Middle East and invites the nuclear-weapon States and all other States to render assistance in the establishment of the zone and at the same time to refrain from any action that would hinder efforts aiming at its establishment.

7. It is regrettable that some States continue to extend support to Israel in all international forums. At the fiftieth and fifty-first regular sessions of the General Conference of the IAEA in 2006 and 2007, respectively, they obstructed and derailed all efforts to discuss the draft resolution relating to the agenda item on "Israeli nuclear capabilities and threat", which expressed the deep concern of all States in the Middle East region with regard to the danger of these capabilities and the threat that they pose to regional and international peace and security.

8. A number of Arab initiatives have been taken and dozens of resolutions on the establishment of a nuclear-weapon-free zone in the Middle East have been proposed in various relevant international forums on the establishment of a nuclear-weapon-free zone in the Middle East. It is regrettable that although these Arab initiatives have enjoyed international support, no real, practical steps have been taken at the international level to strengthen the implementation of these resolutions.

9. Nevertheless, Israel continues to challenge the international community by its non-accession to the NPT and refuses to place all of its nuclear facilities under the IAEA comprehensive safeguards, so causing increasing concern and making a negative impact upon regional and international peace and security.

II. Position and proposals of the States members of the League of Arab States

10. Despite the fact that no real, tangible progress has been achieved with regard to the implementation of the resolution, decisions and outcomes adopted by the 1995 Review and Extension Conference and the 2000 Review Conference, the group of States members of the League of Arab States still considers the NPT to be the

cornerstone of the non-proliferation regime and disarmament and, consequently, expects that the 2010 Conference of the Parties to the NPT and its preparatory committees will take the opportunity to strengthen the provisions of the Treaty, agree upon means of moving it forward and take the practical steps needed in order to achieve its universality and credibility.

11. It has always been the conviction of the Arab States that the only practical solution to the issue of the proliferation of nuclear weapons in the Middle East should be based on an integrated, comprehensive approach rather than on cooperation with individual States on a case-by-case basis. The international community supported this view of the Arab States with decision to establish a nuclear-weapon-free zone, which would achieve security for all sides. Therefore, the group of States members of the League of Arab States continues to call upon the international community to take effective practical steps to implement the relevant resolutions of international legitimacy, primarily the resolution on the Middle East adopted by the 1995 Review and Extension Conference.

12. The group of States members of the League of Arab States emphasizes its position that Israel, the only State in the Middle East region which has not acceded to the NPT, must be required to accede thereto as a non-nuclear-weapon State without restrictions or conditions and to make all of its nuclear facilities available for international inspection under the IAEA comprehensive safeguards system.

13. The international community viewed the nuclear capabilities of Israel and its possession of nuclear weapons with concern from early on and demonstrated this concern clearly with the adoption of Security Council resolution 487 (1981), which called upon Israel to place its nuclear facilities under IAEA safeguards. The necessity of implementing that resolution, of Israel's accession to the NPT as a non-nuclear-weapon State and of the establishment of a nuclear-weapons-free zone in the Middle East was highlighted by the statement made by the Prime Minister of Israel on 11 December 2006, in which he made reference to his country's possession of nuclear weapons. The statement came as no surprise, as the Arab States and the international community had prior knowledge of the almost certainly military nature of the Israeli nuclear programme. However, it was significant because it was the first statement made by Israel at such a high level and served to reaffirm international and Arab suspicions concerning Israel's military nuclear capabilities.

14. Israel is the only State in the region which possesses these nuclear capabilities. This fact, combined with the silence of the international community, constitutes a threat to the security and stability of the group of States members of the League of Arab States and undermines the credibility of the Treaty. This situation prompted the Riyadh Summit in 2007 and the Damascus Summit in 2008 to call on Arab Foreign Ministers to submit a practical study proposing appropriate alternatives to be pursued by the Arab States should the international community fail to take any appropriate steps to implement the Arab initiative to make the Middle East region free of nuclear weapons or fail to adopt a mechanism for the implementation of international resolutions in this regard.

15. The outcome of the 2000 Review Conference, which was founded on the resolution adopted by the 1995 Review and Extension Conference, constitute the point of departure for the 2010 Review Conference and its preparatory committees in view of the failure of the 2005 NPT Review Conference, taking into consideration that any compromise of the 1995 resolution on the Middle East would compromise

all the outcomes and decisions of the Conference, which would undermine the credibility of the Treaty and the decision to extend it indefinitely.

III. Demands of the States members of the League of Arab States

16. In view of the above, the group of States members of the League of Arab States calls upon the States parties participating in the meetings of the second session of the Preparatory Committee for the 2010 Conference of the Parties to the NPT to take the following measures:

(a) Call upon Israel to accede to the NPT as a non-nuclear State without restriction or condition and to place all of its nuclear facilities under international monitoring through the IAEA comprehensive safeguards system;

(b) Renew the commitment of the international community to implement the 1995 Review and Extension Conference resolution on the Middle East;

(c) The States parties to the Treaty, in particular the three depository States, must assume their responsibilities and exert their utmost efforts in order to achieve the full implementation of the 1995 NPT Review and Extension Conference resolution on the Middle East and to assist the 2010 Review Conference and its preparatory committees in identifying the practical steps that will assure the full implementation of the resolution and the realization of its objectives.

17. In support of the above, the Arab States call for the following:

(a) The allocation of a specific period of time during the meetings of the preparatory committees for the 2010 Review Conference of the Parties to the NPT to consider the implementation of the resolution on the Middle East adopted by the 1995 Review Conference and also its place in the Final Document of the 2000 Review Conference of the Parties to the NPT;

(b) The establishment of a subsidiary body to Committee II of the 2010 Review Conference in order to consider proposals relating to implementation of the resolution on the Middle East adopted by the 1995 Review Conference and to prepare and adopt effective mechanisms for its implementation;

(c) The establishment of a standing committee composed of members of the Bureau of the 2010 Review Conference to follow up, intersessionally, the implementation of the recommendations concerning the Middle East, in particular the prompt accession by Israel to the NPT and the placement of all its nuclear facilities under comprehensive IAEA safeguards.

18. Moreover, the Arab States call for a number of interim steps to implement the Middle East resolution, as follows:

(a) Call on the United Nations to convene an international meeting pursuant to the General Assembly resolution entitled "Establishment of a nuclear-weapon-free zone in the Middle East" as a preparatory step towards making the Middle East a nuclear-weapon-free zone;

(b) Emphasize the need for the nuclear States to fulfil all their commitments under article I of the Treaty and provide assurances that they will not transfer nuclear weapons or other nuclear explosive devices or control over such weapons or devices and not in any way assist or encourage Israel, directly or indirectly, in any

manner that would contribute to increasing its ability to manufacture or otherwise acquire or obtain control over nuclear weapons or other nuclear explosive devices, under any circumstances whatsoever;

(c) In conformity with the provisions of the seventh preambular paragraph and article IV of the Treaty, all States parties to the NPT should implement their commitments not to transfer nuclear-weapon-related equipment, information, material, facilities, resources or devices or extend any assistance to Israel in the nuclear field, whether for peaceful or for military purposes;

(d) These commitments should be monitored and followed up through reports by the States parties to the 2015 Review Conference of Parties to the NPT and its preparatory committees. Those reports should transparently report information on the movement of nuclear materials or technology to Israel or any nuclear-related activities, whether for peaceful or for military purposes;

(e) The Secretary-General of the United Nations is requested to circulate the said reports for consideration at the 2015 Review Conference and the meetings of its preparatory committees, in order to assess the progress achieved by those States in implementation of the required commitments.